

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1592 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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HUSIANBHAI SHAIRBHAI SIPAI

Versus

SARPANCH  
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Appearance:

MR MC BAROT for Petitioner  
MR HS MUNSHAW for Respondent No. 1  
MR MM TIRMIZI for Respondent No. 4, 5, 6, 7  
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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 08/08/2000

ORAL JUDGEMENT

Three authorities have given concurrent findings  
regarding illegality of the construction put up by the

petitioner. Hence, this Court would not interfere with such findings in exercise of its extraordinary jurisdiction under Articles 226 and 227 of the Constitution. The petition is therefore dismissed. Rule is discharged. There shall be no order as to costs.

2. Since the alleged illegal construction put by respondent Nos 4 to 7 was not the subject matter of the proceedings before the authorities, the petitioner is at liberty to take out appropriate proceedings in that behalf and such proceedings shall be decided without being influenced by the outcome of the proceedings against the petitioner.

3. Mr.Barot prays for continuation of interim relief granted earlier in order to have further recourse in accordance with law. Interim relief granted earlier shall therefore continue till 30.8.2000.

8.8.2000 (M.S.SHAH,J)